

JAN 28 2009

A BILL FOR AN ACT

RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 103D-302, Hawaii Revised Statutes, is
2 amended by amending subsection (g) to read as follows:

3 "(g) Correction or withdrawal of inadvertently erroneous
4 bids before or after award, or cancellation of invitations for
5 bids, awards, or contracts based on such bid mistakes, shall be
6 permitted in accordance with rules adopted by the policy board.
7 After bid opening no changes in bid prices or other provisions
8 of bids prejudicial to the interest of the public or to fair
9 competition shall be permitted. Except as otherwise provided by
10 rule, all decisions to permit the correction or withdrawal of
11 bids, or to cancel awards or contracts based on bid mistakes,
12 shall be supported by a written determination made by the chief
13 procurement officer or head of a purchasing agency.

14 If a bid protest under section 103D-701 is based upon the
15 bid amount of a competing bidder, the procurement officer shall
16 dismiss the protest if the amount of the bid of the competing



1 bidder is due to inadvertent error amounting to not more than
2 one per cent of the bid amount of the competing bidder."

3 SECTION 2. Section 103D-701, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) The chief procurement officer or a designee, prior to
6 the commencement of an administrative proceeding under section
7 103D-709 or an action in court pursuant to section 103D-710, may
8 settle and resolve a protest concerning the solicitation or
9 award of a contract. This authority shall be exercised in
10 accordance with rules adopted by the policy board.

11 If a protest involves the challenge of a bid amount that is
12 the result of inadvertent error, the protest shall be subject to
13 section 103D-302."

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Procurement; Bid Protest; Inadvertent Errors

Description:

Requires the dismissal of a protest of an award of a contract if the reason for the protest is based upon an error in a bid that is less than one per cent of the bid amount.

